



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Amend Lodi Municipal Code Section 17.57 by Adding a New Section Requiring a Minimum of Five Hundred Foot Separation Between Large Family Day Care Homes

**MEETING DATE:** February 20, 1991

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council Council conduct a Public Hearing to consider approving the Planning Commission's recommendation to amend Lodi Municipal Code Section 17.57 by adding a new section requiring a minimum of five hundred foot separation between large family day care homes.

**BACKGROUND INFORMATION:** Current State Law provides for three types of family day care homes or facilities; (1) small residential family day-care home; (2) large residential family day-care home; and (3) institutional family day-care facility.

Small residential family day-care homes which are for 1 to 6 children may be located anywhere in the community with a day-care licence issued by the County agency authorized by the State. The City has no authority of any kind over these facilities. Under current law every house on a residential street could be licensed for day-care for up to six children.

Large residential family day-care homes which are for 7 to 12 children may be located anywhere in the community with the following City clearances (1) use permit issued by the Planning Commission; (2) business license; and (3) Fire Marshal clearance. These are the homes that the Planning Commission feels should be separated by five hundred feet between facilities. The Commission feels that 2, 3 or 4 of these homes in a close proximity will raise complaints concerning traffic and noise.

Institutional family day-care facilities which are for 13 or more children require the same approvals as a large residential family day care home. However, these facilities have zoning restriction. They are permitted in single-family zones only if located in a church or school. They are permitted in multiple-family, commercial and industrial zones with a use permit.

When the Planning Commission approves a use permit for a large residential day-care home it limits the hours of operation, requires that no more than six children be permitted in the play yard at any one time, and reviews the use permit after two years.

APPROVED: \_\_\_\_\_

*Thomas A. Peterson*

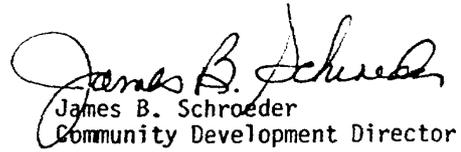
THOMAS A. PETERSON  
City Manager



Amend LMC Section 17.57 - Require 500-Foot  
Separation between large Day Care Homes  
February 20, 1991  
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The need for establishing the 500-foot separation grew out of a problem in the area of Hemlock Drive, Ridge Drive and Alpine Drive where two large day care homes are almost across the street from each other. There are also 2 or 3 of the smaller day care homes in the neighborhood.

FUNDING: None required.

  
James B. Schroeder  
Community Development Director

JBS/cg

Attachments

ORDINANCE NO. 1510

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING LODI MUNICIPAL CODE CHAPTER 17.57, BY ADDING A NEW SECTION  
REQUIRING FIVE HUNDRED FOOT SEPARATIONS BETWEEN LARGE FAMILY DAY CARE  
HOMES

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 17.57 is hereby amended by  
adding thereto a new section requiring a minimum five hundred foot  
separation between large family day care homes, as follows:

17.57.170 Large Family Day Care Homes -- Minimum  
Separation

Except as otherwise provided by law, no approval for a  
large family day care home, as described in California  
Health and Safety Code §1597.46, shall be given for any  
premises located within five hundred feet of any existing  
licensed large family day care home within the City of  
Lodi, as measured in a straight line from the nearest  
points between the property lines of the two locations.

The City Council hereby finds and declares that such  
spacing and concentration requirement is necessary to  
avoid adverse impacts on parking and traffic flow in  
residential areas, generated by such homes.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this            day of

\_\_\_\_\_  
DAVID M. HINCHMAN  
Mayor

Attest:

ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1510 was introduced at a regular meeting of the City Council of the City of Lodi held February 20, 1991 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_ by the following vote:

Ayes:            Council Members -  
Noes:            Council Members -  
Absent:          Council Members -  
Abstain:        Council Members -

I further certify that Ordinance No. 1510 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE  
City Clerk

Approved as to Form

BOBBY W. McNATT  
City Attorney

ORD1510/TXTA.01V



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: February 20, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing  
Please Contact:

Alice M. Reimche  
City Clerk  
Telephone: 333-6702

## NOTICE OF PUBLIC HEARING

February 20, 1991

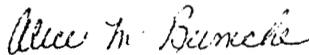
NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) the Planning Commission's recommendation that the City Council adopt an Ordinance requiring 500 feet separations between large family day care homes - 7 to 12 children.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

  
Alice M. Reimche  
City Clerk

Dated: February 6, 1991

Approved as to form:

  
Bobby W. McNatt  
City Attorney